VOTING OF DEMANDS FOR GRANTS.—(*contd.*)

DEMAND XIII—LEGISLATIVE BODIES.—(*contd.*)

Mr. Nedumangad R. Kesavan Nair: Sir, I was referring to the slighting of the members of the Legislature, by the Government, by not answering questions properly, and also by not taking the members of the Legislature into their confidence even when important questions touching the finances of the State were being considered by them. During the last Budget Session, Government announced that they were going to take up commercial transport and start a university for Travancore, and urged that the university was well nigh an accomplished fact? I brought it to the attention of Government that at least in important matters, the Legislature should be treated in the manner it deserves. There was a Press Note about the proposal to hand over some of the Major Treasuries of the Government to the Imperial Bank. In that matter also Government did not take us into their confidence, and I was put to the necessity of bringing it to the notice of the Government by means of an adjournment motion. There are also various other schemes involving heavy expenditure which also the Government undertook without consulting us. There are still many other schemes which the Finance Committee, consisting of members elected by the two Houses of the Legislature, turned down, but which the Government, regardless of the opinion of the Finance Committee, pushed through. There are also very many other items of expenditure which were not brought to our notice at all but were certified by the Government under Section 32. Sir, I have no time; otherwise I could have given numerous instances of such slighting of the members of the Legislature. I request you, Sir, to be so good as to consider these points.

Another fact which I would like to submit to you, most painfully, Sir, is the step-motherly treatment which the Government are according to certain members of the Legislature. Members who play second fiddle to all the tunes played by the Government.....

Mr. Kottur Kunjukrishna Pillai: On a point of order, Sir; under Rule 28, no member can attack another member. The honourable member has made a reference to certain honourable members of the Legislature as "members who play second fiddle"; that expression clearly comes under Rule 28.

Mr. Nedumangad R. Kesavan Nair: I am sorry if I have wounded Mr. Kottur Kunjukrishna Pillai. (*Laughter.*)

President: Order, order.

Mr. Kottur Kunjukrishna Pillai: That is another insinuation, Sir.

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President : Under Rule 28, the subject matter of every speech must be strictly relevant to the business of the House, and one member must not level a charge against another member. I hold that the charge "of playing or dancing second fiddle" amounts to alleging that certain honourable members are not acting according to their conviction but are acting as dictated by others. Such a statement regarding honourable members of this House is defamatory. The honourable member Mr. Kesavan Nair will therefore withdraw the expression.

Mr. Nedumangad R. Kesavan Nair : Yes, Sir, I withdraw.

Anyway, Sir, it is clear that certain members are taken into the confidence of Government while certain others are thrown out as minor frys. Certainly, I do not mind if the Dewan invites certain members for any domestic or private function ; but, in matters in which public interests are involved, on which we all have an equal right to be heard, if the Government select certain members alone and then say that they have consulted the Legislature, that, to say the least ... ...

President : Will the honourable member specify an instance?

Mr. Nedumangad R. Kesavan Nair : In regard to the University Scheme, Sir, about which so many honourable members of this House had expressed their opinion, Mr. Kottur Kunjukrishna Pillai was invited as a member of the State Council while so many others who knew more and who had very many suggestions to make about the university were not invited. Similarly, from the other House, Government selected only certain honourable members. It seems to borrow the expression of the Pro-Vice-Chancellor—the Dewan who presided over the conference, delivered "a clear and cogent speech" about the necessity for a university for Travancore. Now, Sir, what is it that precludes us from listening to such a speech? What have we done to be deprived of such privileges ? As I submitted, Sir, I have no quarrel or complaint if for a purely private function—for example, the dinner party given by the Dewan in honour of Sir Mahomed Yakub—only certain honourable members are invited.

President : I do not think the honourable member is entitled to refer to the attendance at a dinner party given by the Dewan.

Mr. Nedumangad R. Kesavan Nair : I am not speaking a word about it. I am only saying that I have no complaint ... ...

President : Even by saying "I am not speaking a word about it", honourable member need not refer to it again.

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Mr. Nedumangad R. Kesavan Nair: Then again, Sir, some of us are not invited to certain important functions for which we have got a right to attend, for instance, at the *Kal Nattu* ceremony in connection with the ensuing Pallikettu, while even the representative of the A. A. I., was invited, Government did not think it fit.....

Mr. M. Govinda Pillai: The representative of the A. P. I. was not invited at all for that function.

President: What have the Government got to do with it? It was purely a Palace function.

Mr. M. Govinda Pillai: Only levee officers are expected to be present at such functions.

Mr. Nedumangad R. Kesavan Nair I accept the correction, Sir.

Mr. Puthupalli S. Krishna Pillai: This is not a matter which can be discussed on the floor of the House.

President: No; it is a matter concerning His Highness' household.

Mr. Nedumangad R. Kesavan Nair: I shall drop it, Sir.

One other point to which I want to draw the attention of the House is the method adopted by the Government by which certain non-official members of the Legislature are not allowed the free exercise of their independent judgment, either in ventilating their views or in exercising their votes. Sir, I am referring to my "poor" friend, Mr. Simon. Since he became a member of this House he was appointed Government Pleader, but was allowed to continue as a non-official member of this House, and to take part in the business of the House. On a former occasion I brought it to the attention of the President as to whether Mr. Simon could continue as a non official member of this House and whether, by his so continuing, we were not deprived of one non-official member. The President then ruled that Mr. Simon was entitled to continue as a non-official member, and also pointed out the analogy between Mr. Simon and the President himself when he was a non-official member of the Madras Legislative Council. Sir, think of the analogy?

President: I distinctly remember that took place. The honourable member raised a question, when Mr. Simon was appointed to a part-time office, whether he was entitled to sit on the non-official benches. I said that he was a non-official and continued to be a non-official since he had been appointed only to a part-time office. I also stated that that was not uncommon because, everywhere, including the Attorney-General in England and the Advocate-Generals in the Presidencies, the same thing happened. That was the ruling given by the Chair.

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Mr. Nedumangad R. Kesavan Nair: Yes, Sir, I do not question it. I am merely referring to that analogy between Mr. Simon here and Sir C. P. Ramaswami Aiyar while he was Advocate-General in Madras. It is preposterous to bracket those two names together ?

Sir, in the other House also there is one non-official member, Mr. Joseph Vithayathil, who draws emoluments from the Government as a Lecturer in the Law College, and continues to occupy a seat in the non-official benches of the Assembly.

I would like to bring another fact also to the attention of the Government. Sir, when we ask questions, we really want to elicit information. I am sorry, Sir, that very often, incorrect answers are furnished. At question time, in reply to a question put by my honourable friend Mr. Anirudhan whether all the cots in the General Hospital were not full of bugs, the Surgen-General replied that it was not so. Sir, I am personally convinced that there is not one ward or cot in the General Hospital which is free from bugs.

Mr. N. V. Chacko: Has the honourable member satisfied himself about the matter ?

Mr. Nedumangad R. Kesavan Nair: Yes ; I would invite the Dewan to make a surprise visit and to verify the truth of my statement.

Mr. Puthupalli S. Krishna Pillai: Where is the guarantee that the bugs that may be now found in the General Hospital were there at the time the Surgeon-General made the statement in the House that there were no bugs in the General Hospital ? (*Laughter.*)

President: The question of bugs is not now relevant.

Mr. Nedumangad R. Kesavan Nair: With regard to many other questions also, some of the answers furnished were not correct. In reply to a question put by me to the Secretary to Government as to whether the present Director of Information knew anything about piano tuning, without relaxing any of his muscles, he said that he knew.

President: Honourable member cannot recussitate questions and answers like that. The question was put and was answered ; either it is right, or it is wrong. There are methods by which that can be raised formally. If any honourable member thinks that an answer is wrong, he may afterwards raise it as another question and elicit an answer. At present the questions and the answers stand.

Mr. Nedumangad R. Kesavan Nair: I merely wanted to invite your attention to this matter, and I request you to verify, by a reference to Miss Watts or to Miss Ouverkirk who know something about pianotuning, as to whether the Director of Information knows anything about pianotuning.

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Mr. M. Govinda Pillai: May I make a personal explanation Sir?

President: Order, order. The question of piano tuning, or of the knowledge of it on the part of the Director of Information should be raised in proper form at the proper occasion; not now.

Mr. Nedumangad R. Kesavan Nair: Resolutions passed by the Legislature are not given effect to. Resolutions have been pssed to the effect that the market tolls and the P. W. D. tolls should be abolished. But nothing has been done. It is for us to pass resolutions; but there is not a single case in which Government have paid heed to our resolutions.

I have nothing more to add except to point out to you, Sir, that, though the impression in the country is that we the members of the Legislature can get things done by the Government, we know that absolutely nothing can be achieved by us at present. We alone know how imbecile we are.

President: Powerless, or imbecile?

Mr. Nedumangad R. Kesavan Nair: Powerless, Sir.

President: Not imbecile (*Laughter.*)

Mr. Nedumangad R. Kesavan Nair: No.

Mr. P. R. Godavarma Raja: Sir, I am not at all in agreement with Mr. Kesavan Nair. As regards the University Conference, we all know that the two Houses were adequately represented there, and it is a falsehood to say that it was not so. Mr. Kottur Kunjukrishna Pillai, an honourable member of this House, was invited to attend the conference: Again, Mr. K. G. Kunjukrishna Pillai of the other House was invited to that conference.

President: No more dinners, please.

Mr. P. R. Godavarma Raja: I am not at all concerned with dinners, Sir. What I want to point out is, that the Legislature was fully represented and was given ample scope to discuss all facts relating to the university. This is what I wanted to say about the matter raised by my friend Mr. Kesavan Nair.

Mr. P. I. Simon (*Municipal Councils*): Sir, I support the grant. In opposing the grant my honourable friend Mr. Kesavan Nair attempted a chain of arguments, all of which are untenable and unsustainable. Not one of them did he complete. I admire his fairness in having left each one of them halfway when the shallowness of it was pointed out to him.

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Mr. Nedumangad R. Kesavan Nair: May I know who pointed it out to him?

President: Order, order. The honourable member has not yielded his place.

Mr. P. I. Simon: Sir, this is not the first time that he has been trying to sling mud, at respectable persons.

President: Order, order. Though "slinging mud" by itself does not come within the rule, as it may lead to a certain amount of implication that the person who slings mud is in the habit of making defamatory statements, I think it will be a personal charge against the member. So the honourable member should not use the expression "slinging mud." He will withdraw.

Mr. P. I. Simon: I withdraw, Sir. He has been indulging in defamatory remarks about respectable persons by saying that he does not want to say this and that. I refer to the occasion when Mr. Kesavan Nair took it into his head to attack the Pro-Vice-Chancellor of the University.

Mr. Nedumangad R. Kesavan Nair: Is it relevant Sir?

Prssident: References to previous utterances of the honourable member as illustrative of the present attitude are relevant.

Mr. P. I. Simon: He said "I refrain from referring to this" and "I refrain from referring to that." The insinuations contained in them were much too dirty for a respectable man to make.

President: I can quite understand the honourable member's feeling in the matter. But he ought to remember that whatever other honourable members might have done, all honourable members are expected to observe what may be called the general proprieties. They are now and then departed from but I think it will be well to observe the general proprieties in order to keep up the traditions of this House. There are many ways of putting the same matter. "Slinging mud" was the expression used by the honourable member but then he modified it by saying "indulging in defamatory remarks." That is quite within parliamentary practice. The honourable member is a man of sufficient experience to know that he could use only proper and decorous expressions and that whatever might be said of other persons, it should not be said of the lawyer that he is, that he used expressions which are outside the purview of parliamentary practice.

Mr. P. I. Simon: The argument that was attempted to be put forward by Mr. Kesavan Nair was that the members of the two Houses of the Legislature were not consulted by Government on certain occasions. I cannot recall to my mind any occasion when the members of both the Houses of Legislature were neglected

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or ignored while considering an important item of expenditure or important policy of the Government. I am reminded just now of an occasion when you, Sir, invited several members of both the Houses of Legislature to a conference to consider whether the Main Southern Road could be improved in a particular manner or not. I should think that the learned member Mr. Kesavan Nair was also present at that conference. It was convened twice and I should praise Government that Government was only too willing to go by the wishes of the representatives of the people. When we said that pneumatic tyres ought not to be substituted for the iron wheel traffic just now going on in South Travancore, you, Sir, readily accepted that suggestion and said "No ; we will devise other means of improving the road and maintaining the road." My learned friend is so short of memory that he could not remember this. I therefore say that it is not fair or graceful to omit to refer to instances where members of the lagislative bodies were consulted by Government in planning Governmental measures. Therefore, Sir, I would say that the arguments of Mr. Kesavan Nair which were not completed and which were dropped half-way do not deserve any consideration and the grant, as it is, ought to be made. I therefore support the demand.

Mr. K. K. Kuruvilla (*Mavelikara and Tiruvalla* cum *Pattanamtitta*) : Sir, I wanted to take part in the discussion on Saturday, but I am glad that I had no occasion to do so because it was throughly impossible for me to gather my thoughts together in the light of the discussions that took place on Saturday. The one prominent thought that came to my mind was that in this Council we have all taken the oath of allegience to His Highness the Maharaja and if we are disloyal, what right have we to sit in this Council Hall as members of this Council ? Mr. Simon was very kind to say that though we are really disloyal we are ignorant and that we do not know that we are disloyal.

Mr. P. I. Simon : On a point of personal explanation, Sir. What I said was that the activities are disloyal although some members may be ignorant.

Mr. K. K. Kuruvilla : I might as well say that Mr. Simon has not really cared to understand the real objective of the Congress movement. I claim to know only those things which I have seen or heard from reliable persons. Mr. Simon as well as I have seen and heard all the things that happened in our streets and at the public meetings. I do not want to repeat them since everybody in this House knows them. Mr. Simon and I probably have

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[Mr. K. K. Kuruvilla.]

different reactions to the things that have happened in this country.

The Secretary to Government, my friend Mr. Govinda Pillai, also stated that the State Congress is disloyal and gave three reasons, I think, for that declaration. These charges were denied and affirmed again and again.

President: To the extent to which the honourable member confines himself to the topic of legislative bodies and the activities of or the charges against the members of the Legislature he is perfectly within his rights. But the activities of the State Congress as such, in so far as they do not impinge upon the legislative bodies or upon their working, are matters which are beyond the scope of discussion on this demand.

Mr. K. K. Kuruvilla: Sir, I was saying that in the light of the discussion that we are really disloyal we have no right to be members of this House and I am trying to answer that. If you will kindly give me an opportunity to go through the whole ground, I hope that in the end you will have no reason.....

President: I am afraid that in deciding whether a particular statement or group of statements is within the law of relevancy or not I cannot wait until the end of the whole speech and then conduct a post mortem examination. All that can be done is to see the trend of the honourable member's speech and then indicate whether it is relevant or irrelevant. I may say at once that the honourable member is sufficiently experienced to know that he is perfectly entitled to speak on the activities of the legislative bodies, on the activities of Government in relation to those legislative bodies and on the activities of the legislative bodies in regard to the problems of the country. But the career or the activities of a body outside the legislative bodies are not relevant to this demand.

Mr. K. K. Kuruvilla: I am not a lawyer, Sir, and I do not know the subtle differences. But whenever you ask me to stop I shall.

President: I do not wish to be constantly interrupting the honourable member by calling him to order. I shall leave it to his discretion. I hope he will realise it.

Mr. K. K. Kuruvilla: Whatever the reasons he has given, I only want to say that I hope they are not based on C. I. D. reports which cannot be relied upon unless they are properly sifted and the other side is heard.

Mr. Kunjukrishna Pillai stated that some of us feel that within three months we could be on the saddle and we could supply the people of Travancore and the members of the Legislative Council

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with milk and honey. I do not know from where he got this information but I want to assure him that we have no such ambition. On the other hand we have stated time and again that with the Legislature as at present constituted we do not want responsible Government.

In the course of the debate in the House the other day, the Dewan-President made a statement, the implications of which I do not quite understand. You said, Sir, if I remember right, that a criticism of the actions and policies of Government is a criticism of His Highness the Maharaja.

President: Order, order. I do not think the honourable member is putting what I said fairly. What I said and what I reiterate is that under the criminal law of the land, namely, the Penal Code, comments expressing, disapprobation which are likely to excite hatred or contempt or disaffection towards His Highness the Maharaja are on the same footing as the same comments in relation to His Highness' Government. In other words, I said that comments which are likely to produce hatred or contempt or disaffection towards His Highness' Government are to be dealt with as comments made in relation to His Highness. That is the penal law of the land and the punishment and the procedure in regard to the punishment are exactly the same.

Mr. K. K. Kuruvilla: Thank you, Sir, for the explanation. We have taken the position of an oppostion party on the understanding that constitutional practice in Travancore gives the party the privilege of criticising the acts and policies of Government whenever they felt that in the interest of the public and the well-being of the State it was necessary.

President: Order, order. There again, I think, I made it clear that the administrative acts and policies and actions of His Highness' Government are open to the fullest criticism, but if corruption is attributed to the Government or to the Head of the Government in such a manner that it must produce hatred, contempt or disaffection to the Government as such, then it will come within the penal law of the land.

Mr. N. V. Chacko: Suppose there is corruption, how are we to ventilate that?

President: I am not here to give legal advice. I can only say that the Penol Code is there for every one to read and if the head of the Government charged by His Highness the Maharaja with the duty of governing the State is guilty of corruption, the person who says so may be liable to imprisonment if the other conditions specified in the Penal Code are satisfied.

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Mr. K. K. Kuruvilla: A fair measure of criticism has been allowed in and outside the House.

Mr. Joseph Kunju *(Nominated)*: പ്രസിഡൻറ് എന്തെല്ലാം ആജ്ഞാപിച്ചാലും എത്തെല്ലാം വാളമുഖങ്ങൾ തടഞ്ഞാലുംശരി താൻ എഴുതിക്കൊണ്ടുവന്നതു് വായിച്ചേ അടങ്ങുകയുള്ളൂ എന്നുള്ള നിർബന്ധത്തെ അനുവദിക്കുന്നതാണോ?

President: The honourable member may be absolutely sure that the limits of debate will be preserved by the Chair and I have already indicated the region and the limits of debate. So long as that is observed, I shall not interfere. But the moment I find that limit is transgressed the Chair will interfere.

Mr. K. K. Kuruvilla: A fair measure of criticism has been allowed in and outside this House and my difficulty is to know when exactly a critic goes beyond the legitimate line. To my mind, no such absolute line can be drawn and mainly through this indefniteness, I concede an unfortunate situation has been created.

President: That is the indefiniteness of the law.

Mr. K. K. Kuruvilla: I propose to make a definite line. That attempt has been.....

President: Order, order. This particular definition has been in existence in England from the time of Queen Elizabeth and it is the same definition which is in vogue in the American law, the English law and the Indian law.

Mr. K. K. Kuruvilla: Definiteness arises only in course of time through experience and understanding. To my mind these can come only if we have opportunites for mutual contacts and discussions in good faith. I have to suggest.....

Mr. Kottur Kunjukrishna Pillai: Can the member read out from a manuscript?

President: The honourable member is presumably only refreshing his memory.

Mr. K. K. Kuruvilla: In order to create an atmosphere in which these things can be done, I suggest that the ban on all legitimate propoganda be lifted and that all government servants be prohibited from taking sides in the controversies of political parties.

Some among the honourable members of this House may object to this suggestion on the ground that this may lower the prestige of the Government. I contend that a Government which is strong enough to enforce law and order in the land and to administer even handed justice tempered with mercy need not be afraid of its prestige.

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Believing as I do in the good will of individuals and Government, I submit, Sir, that my suggestion will receive due consideration at your hands.

Mr. Kottur Kunjukrishna Pillai: Sir, I wish to speak a few words on this demand which is more intimately connected with this House than any other demand. In doing so, I do not wish to rake up or answer some of the criticisms and pathetic complaints made by my honourable friends on the other side regarding invitations to parties. It has been pointed out that this House has not been called as often as it should be. I find that ordinarily three sessions of the House are called in a year and we find, including the special session that was called for the Credit Bank Bill, this year also, there were three sessions in addition to the large number of days which have been allotted to us during this budget session. Sir, this complaint is also analogous to the difficulty aroused in regard to the question of invitation to dinners.

President: Order, order.

Mr. Kottur Kunjukrishna Pillai: I am not referring to it, Sir.

President: You are.

Mr. Kottur Kunjukrishna Pillai: Sir, if it is a question of privilege, that question of privilege has to be considered in this light, namely, whether the House has not been given sufficient opportunities to meet to discuss questions of public importance. Viewed from that aspect impartially, can we say that the House has not been called as often as it should be.

Mr. Kochikal P. Balakrishnan Tampi: Yes.

Mr. Kottur Kunjukrishna Pillai: No, Sir. I beg to differ and I challenge my honourable friend to prove that. My honourable friend who has now put this question to me, has been putting up with lesser number of days and shorter sessions being called during the time of Sir Mahommed Habibullah.

President: Order, order.

Mr. Kottur Kunjukrishna Pillai: I am not comparing that. I only say that the question was never raised in this House in those days by my friend.

Mr. N. V. Chacko: What is the member's view in regard to....

Mr. Kottur Kunjukrishna Pillai: I do not yield, Sir. The question has to be viewed in this light, namely, has the privilege of this House been infringed and, if so, then it is a very serious

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[Mr. Kottur Kunjukrishna Pillai.]

matter. If it has not been infringed, then, it is an allegation that is made without foundation. I find that all these allegations, all these statements, all the sophistry of even my honourable friend Mr. Kuruvila is not really a complaint against the legislative bodies as such, a complaint directly arising out of the legislative bodies. These are all methods of political propaganda being made out by vague references to certain imaginary grievances. That setting is unfair to the topic that we have under discussion; that is unfair to every body concerned. It is very easy to pose as critics of every Governmental act and to pose oneself as a belligerent always attacking Government and claim the popularity from the unthinking public. That is not what we are expected to do in this House. We are expected to look into the question fairly, impartially and without prejudice. In spite of the change of political colour, in spite of the change of political apparel, of my friend Mr. Kuruvila, I still hope that he will not leave aside the fundamental...

Mr. N. V. Chacko: Will my honourable friend try to change his colour?

Mr. Kottur Kuujukrishna Pillai: I do dot propose to answer that question. My intrepid friend Mr. Chacko is trying to drag me into irrelevance. What I wish to suggest with regard to this point is this. If it is a real question, it can be raised in this House, I am sure, this House will be at one with my honourable friend then. No one feels that the real powers and privileges of this House are infringed. Nobody has given expression to that feeling. There is no such attempt made either. No arguments have been put forth in that direction. Only very very flimsy grounds are made out so that we cannot sponsor the responsibility of accepting the censure motion or a condemnation of Government on that ground. We find, on the other hand, there is a good deal of latitude in the matter of discussions, and in the matter of freedom of expression of opinion, within this House. No impartial critic can deny that fact. We can given as much latitude in the matter of rules as it is possible. I have been noticing, and I have been a member of the last Assembly as well, that any mention of a word of criticism against the head of the administration, the Dewan, has been ruled out definitely by the then President, as out of order; not a word was ever allowed to be uttered. In the collection of rulings paragraphs 354 and 355 clearly and definitely lays it down.

Mr. Kochikkal P. Balakrishnan Tampi: Is not the member questioning the rulings of the Chair?

Mr. Kottur Kunjukrishna Pillai: I am applauding the rulings. I quite accept them.

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Mr. R. V. Thomas (*Thodupuzha* cum *Minachil*): May I know whether the honourable member is not questioning the rulings of the present President?

President: I take it that the honourable member is saying that a certain amount of liberty is given for the honourable members for criticising Government measures. I do not think I have given any ruling on that subject.

Mr. Puthupalli S. Krishna Pillai (*Legal Remembrancer to Government*): No such ruling has been given by you, Sir.

Mr. Nedumangad R. Kesavan Nair: Is it open to the member to eulogise the ruling given?

President: What is the word please?

Mr. Nedumangad R. Kesavan Nair: It is open to the member to praise the ruling?

President: That question does not deserve an answer.

Mr. Kottur Kunjukrishna Pillai: I was trying to point out that, by precedents, we were developing in this House greater powers with regard to discussion. That was the point I was trying to emphasise. Without looking at the question in that manner, it is idle to make political propaganda on very very flimsy allegations.

I wish to point out definitely one question that has been raised in this House on another occasion by my honourable friend Mr. Govindan. He criticised me for saying that. He even challenged my statements regarding the desirability of the change of single non-transferable voting system. He has challenged me that it is not the opinion of the minority communities. I voiced forth that opinion not on the authority of the logically some but on the opinion of people who are entitled to speak on behalf of the community, as much as Mr. Govindan and Mr. Ismail, if not better. And that rule operates to the detriment of the community and the very defect which Mr. Govindan now wants to ward off is there on account of the existence of that system. My friend Mr. P. S. Mahomed has given an illustration to it very definitely and even published it. According to that system, though 95 per cent of the Mahommedans voted for him, I think, he was not returned. But a man who got not even 5 per cent: of the vote of the Mahommedan community, has been returned.

President: The honourable member has only 2 minutes more.

Mr. Kottur Kunjukrishna Pillai: There were many open votes so that the number could be known. It is this system of voting that has been condemned on all hands. My honourable friend Mr. Govindan and others .....

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Mr. M. Govindan (*Nominated*) : On a point of order, Sir. My honourable friend is going on criticising the speeches made by others and casting reflection on them. Is that relevant? May I know whether it is open to him to criticise the constitution?

President : The honourable member is referring to the speech made by the member who preceded him and criticising it. The honourable member says that he ought not to have made the speech and therefore criticism is not relevant. Is that the member's point?

Mr. M. Govindan : My point is, I had a difference of opinion with my honourable friend with regard to the system of voting and the honourable member is criticising that.

President : The Chair is not concerned with differences of opinion between the several members. The honourable member who was on his legs a while ago, was criticising a speech made by the honourable member who had just sat down. The honourable member now raises the question that the speech which he made was irrelevant and therefore criticism of the speech was equally irrelevant. Is that the honourable member's point?

Mr. M. Govindan : No, Sir.

Mr. T. Mahomed Ismail : Sir, I rise to a point of order whether the discussion on the constitution of the Council is permissible.

President : I ruled that out of order.

Mr. Kottur Kunjukrishna Pillai : I was not referring to the constitution. When people talk so glibly about responsible government, I am reminded of the story in the Vicar of Wakefield of the preparation of the family portrait and finding it impossible for the drawing room to contain it. The advocacy of responsible government by these people will result in something like that. The very question will be "where shall we put it." Let it not be said that we are not able to have responsible Government, when we get it.

President : Your time is up.

Mr. K. R. Elenkath (*Kalkulam and Vilavancode* cum *Neyyattinkara*) : I rise to oppose the motion with a view to offer a few suggestions that may go to alleviate the discontent prevailing among the people that their representatives in the Legislature are not properly treated. I do not at all see eye to eye with those honorable members who say that Government have in any way deliberately violated the privileges or rights vouchsafed to us. We cannot say that Government have not been calling the sessions within the period prescribed by the statute. They had never failed to

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call together the Legislature within an interval which is more than six months. We are to see whether they have deliberately failed to call together the Legislature at least once in six months and whether there has not been meeting of the Legislature whenever there was necessity. Viewed from that point of view, I should think that it would have been much better and more satisfactory if the Government had undertaken some trouble to convene more meetings of the House. As an instance, I can quote that, due to the delay in summoning the Legislature, Government had to authorise under Section 32 of the Regulation an amount of Rs. 6,32,485. I should think that there would have been no necessity for this if the Government had called together the Legislature earlier and got their sanction. It is only when the Government find that they cannot wait to get the sanction of the Legislature that they should authorise such expenditure and that for very urgent and unavoidable items only. If there was not sufficient legislative and other business to call together the Legislature, the Government should have called together at least the Finance Committee before sanctioning such huge grants by certification. I very much appreciate the policy of the Government in having deviated from the policy of not taking the House into their confidence when serious changes in certain schemes are adopted. I refer to the calling together of the members of the Legislature of particular areas for considering the question of the iron-wheeled carts referred to by Mr. Simon. It is not difficult for the Government to call together members of certain particular areas in considering the measures affecting their constituency. It is a policy which has to be commended upon. I congratulate the Government for dropping the scheme of prohibiting iron-wheeled traffic on the M. S. Road, as a result of the opinion expressed by the non-official members with regard to that scheme. At least such a procedure should have been done and I believe it will be done in future.

President: Honourable members must realise that the spokesman on behalf of Government must be given at least five minutes.

Mr. K. R. Elenkath: Sir, a word with regard to the answering of interpellations and the preparation of bills for the consideration of the House. I heard the explanation being given for not calling the Legislature due to the delay in getting ready bills. Some years back, the Law Member and the Head Sirkar Vakil were both combined in one and the same person and they had very few assistants. If the Legal Remembrancer cannot look into these affairs and see that the bills are ready in time, I do not

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[Mr. K. R. Elankath.]

know why we should have a separate Legal Remembrancer with an assistant besides the Advocate-General and his assistants. So, that plea is not acceptable to this House. With these words I oppose the Demand.

President: The honourable member will resume his seat.

Mr. C. O. Madhavan: I have been listening to the observations of members on the other side. Many of the criticisms against Government have been met by some of the non-official members themselves who spoke thereafter. But I will briefly refer to some of the points which, in my opinion, deserve observation from me.

To begin with, Mr. Kesavan Nair said that the Government have not summoned the meetings of the Council as often as it should have been. I admit that it was not possible for the Government to summon a meeting of this Council by April or May, as usual. The reason was this. As the House knows, there was a change in the office of the Law Member; Mr. Kayalam Parameswaran Pillai who was holding that office had to retire by efflux of time and that place was taken by Mr. Puthupalli S. Krishna Pillai as Legal Remembrancer. This change in office necessarily involved some delay in getting through the business to be placed before the Council. That is partly the reason why a meeting of the Council could not be held at the usual time this year. On account of this delay certain bills which had been referred to the Select Committees could not be got through. But I may inform the House that as soon as the new Legal Remembrancer got into office he took necessary action for convening Select Committee meetings and getting the bills through. I need not say that it is not of much use to convene a meeting of the Council without sufficient business to be transacted. A meeting of the Council means some time and labour on the part of the members and some expenditure for the Government by way of T. A. and sitting fees to the members. Unless there is sufficient work to compensate for this trouble, it is a waste of time on the part of the members and a waste of money on the part of the Government. For these reasons and for no deliberate intention on the part of the Government, a meeting of this Council could not be held at the usual time this year. I am sure this explanation will certainly satisfy the honourable members on the other side.

Coming to the question of interpellations, Mr. Kesavan Nair said that the Government are not answering all interpellations and that some interpellations are being deliberately withheld. On this point, I may inform the House that it is the desire of the Government to furnish answers to all questions admitted by the President.

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But the questions cannot be answered as speedily as the Government would wish. Most of the questions require answers to be prepared by the several departmental heads. When questions are sent to the departmental heads they may have to make references to their subordinate offices. When the answers are received, we do not automatically pass them as they are. As the members are aware a large number of supplementary questions are asked on the floor of the House. It is the intention of the Government to arm themselves with the necessary materials to be in a position to give satisfactory answers to all the supplementary questions. Some times it may happen that references back to the heads of departments will be necessary to get further information for answering supplementary questions. All these mean delay.

Mr. K. R. Elenkath: If this delay is not avoidable, why not the rule that 12 clear days' notice be given, be changed?

Mr. C. O. Madhavan: That question may be considered.

Mr. Nedumangad R. Kesavan Nair: May I know why my questions which are even one year old are not answered?

Mr. C. O. Madhavan: If the honourable member will give specific instances of such questions, I can supply the information.

Mr. Nedumangad R. Kesavan Nair: Expenditure on newspaper is the question that I sent in Karkatakam last which remains still unanswered.

Mr. C. O. Madhavan: If the question was asked in Karkatakam, it need not necessarily be answered now. It can be answered only if the question is renewed. If the honourable member would refer to any specific instance it can be looked into to see why answers were not given to such questions. That is all that I have to say about interpellations.

The honourable member then said that the House is not taken into confidence in deciding important questions affecting the finances of the State. I may plead ignorance as to what the member means. If the Government, under the rules, are bound to consult the House on any questions of finance, Government are certainly doing so.

Mr. Nedumangad R. Kesavan Nair: May I know whether the House was consulted before the University and the Transport Schemes were launched upon by the Government?

Mr. C. O. Madhavan: The University and Transport schemes were considered in this Council last year.

Mr. Ndumangad R. Kesavan Nair: Was it not done after Government fixed up the scheme?

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Mr. C. O. Madhavan: Proposals are formulated by Government and then placed before the Council.

President: The honourable member has two minutes more.

Mr. C. O. Madhavan: Mr. R. Kesavan Nair then referred to Government taking action under Section 32 of the Regulation. Section 32 gives the Government authority to incur expenditure in certain emergencies. If action is not to be taken under that Section, I do not see any reason why there should be such a provision in the Regulation. It is to meet certain emergencies that that provision is made in the Regulation. I am definitely of the opinion that Government cannot be found fault with for taking action under Section 32 when it expressly authorises the Government to do so.

Reference was made that some members were not invited to certain functions. I do not refer to any function other than functions to which members should be invited in their capacity as members of the Council. Mr. Kesavan Nair is aware of the fact that the other day when Government had to discuss the question regarding the maintenance of roads in South Travancore, all the members belonging to that part of the country were invited. It may be that in some cases Government do not want to invite the members of the Legislature as such. It may be that only same members are invited for same functions. They are invited in their individual capacity, whom the Government in their discretion think fit to invite. This is all that can be done under such circumstances, whoever may be the inviting party. It is really a matter for surprise that this has been made a point for adverse comment.

Mr. Kesavan Nair then said that some members are prevented from exercising their discretion. I ask whether the Government have done anything unlawful. Certain members are appointed by Government as part time officers and it is not possible for Government to deprive them of their rights and privileges as members of this Council or the Assembly. I do not see how Government can be found fault with on that account.

Mr. Kesavan Nair then said that incorrect answers are given by Government to the questions put before this House. And as an instance he quoted that to a question put to the Surgeon-General whether there are not bugs in the cots in the General Hospital he answered that there were no bugs and the member actually found bugs in some cots. Sir, I am at a loss to understand how one can be sure of the fact that there are bugs or there are no bugs in any place as the presence or absence of bugs cannot be a permanent factor for all time to come.

Mr. N. V. Chacko: Is it not possible to consider whether there are bugs or whether there are no bugs?

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Mr. C. O. Madhavan: Sir, it is not humanly possible to be free from accusations of inaccuracy in answering questions of this nature.

Mr. Nedumangad R. Kesavan Nair: Sir, I am not interrupting the Chief Secretary. I asked a question about the proficiency of the Director of Information in piano tuning. The answer given was not at all satisfactory.

Mr. C. O. Madhavan: Other instances could not be shown to prove the inaccuracy of the answers given by Government. I may inform the House that the Government never give inaccurate answers intentionally or knowingly.

The Demand was then put to vote and carried and the grant was made.

DEMAND No. XIV—PUBLIC SERVICE COMMISSIONER.

Dr. G. D. Nokes: Sir, I beg to move for a grant not exceeding Rs. 24,781 under Demand XIV—Public Service Commissioner.

Mr. G. Narayana Aiyar: Sir, I oppose the Demand. This department was formed towards the close of 1111 and it had been in existence for 2 years. This establishment was sanctioned originally for two years. That period has expired. The Government should have considered the results achieved in the course of the 2 years and considered whether there is any need to continue the same and the same staff. It seems to me that it is not necessary to continue the same at this expensive scale. The present Commissioner, a very competent officer was got down and appointed for a special purpose namely for the Judicial Department and he was discharging his duties very satisfactorily there. He was then appointed as Public Service Commissioner on special considerations. He has drafted the necessary rules which were approved and passed by the Government. The Service Recruitment Manual was prepared. Necessary forms were printed. Examinations for public service were conducted and has practically done everything necessary for the recruitment for public service in future. A number of candidates have been declared passed from which future recruitments could be made and the recruitment business may be entrusted to departmental heads with directions to act up to rules and policy laid down by Government. There is no more necessity to have the services of such a high-paid and full-time officer in this department. His services are badly required for the Judicial Deparment for which he was got down and he may be sent back to

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